

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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|------------------------|---|---------------------------|
| LAJUAN HAYES, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 4:21-cv-1115-SEP |
| |) | |
| ANNE PRECYTHE, et al., |) | |
| |) | |
| Defendant. |) | |

MEMORANDUM AND ORDER OF TRANSFER

The matter before the Court is Plaintiff LaJuan Hayes's Complaint against Defendants Anne Precythe (Director, Missouri Department of Corrections (MDOC)); Brook Whittom (Licensed Practical Nurse, Jefferson City Correctional Center (JCCC)); Doris Falkenrath (Warden, JCCC); Unknown Pitts (Correctional Officer (CO), JCCC); Terry Kingcade (CO, JCCC); Unknown Hightower (CO, JCCC); Jason Lewis (Deputy Division Director, MDOC); and Corizon Health Service, LLC. For the reasons set forth below, this case will be transferred to the United States District Court for the Western District of Missouri.

Plaintiff is an incarcerated person currently housed at Missouri Eastern Correctional Center in Pacific, Missouri. Plaintiff alleges violations of his constitutional rights based on the medical care and treatment he received while incarcerated at the JCCC in Jefferson City, Missouri. Plaintiff's claims arise entirely from events occurring during his incarceration at JCCC, which is located in Cole County in the Western District of Missouri. *See* 28 U.S.C. § 105(b)(4).

Under 28 U.S.C. § 1391(b), an action of this type may be brought only in: "(1) a judicial district in which any defendant resides, if all defendants are residents of the state in which the district is located; (2) a judicial district in which a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is subject of the action is situated; or (3) if there is no district in which an action may otherwise be brought as provided in this section, any judicial district in which any defendant is subject to the court's personal jurisdiction with respect to such action." 28 U.S.C. § 1391(b).

The events or omissions giving rise to Plaintiff's claims occurred in the Western District of Missouri; thus, venue is proper there. Under 28 U.S.C. § 1406(a), "[t]he district court of a district in which is filed a case laying venue in the wrong division or district shall dismiss, or if it be in the interest of justice, transfer such case to any district or division in which it could have been brought." The Court concludes that it is in the interest of justice to transfer this case to the United States District Court for the Western District of Missouri for that court to address Plaintiff's Motion for Appointment of Counsel (Doc. [3]).

Accordingly,

IT IS HEREBY ORDERED that the Clerk of Court shall **TRANSFER** this case to the United States District Court for the Western District of Missouri. *See* 28 U.S.C. § 1406(a)

Dated this 12th day of November, 2021.



SARAH E. PITLYK
UNITED STATES DISTRICT JUDGE